



May 30, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: Notice of Ex Parte Communication
MM Docket No. 99-325; MM Docket No. 00-168; MB Docket No. 04-233

Dear Ms. Dortch:

This letter is to report a permitted, oral ex parte communication of the Association of Public Television Stations (“APTS”), the Public Broadcasting Service (“PBS”), National Public Radio (“NPR”), the Station Resource Group (“SRG”), and Oregon Public Broadcasting concerning the above-referenced *Digital Audio Broadcasting*, *Enhanced Disclosure* and *Localism* proceedings.

On May 29, 2008, the undersigned of APTS, Andrew W. Givens of PBS, Gregory A. Lewis and Julie M. Kearney of NPR, and John Crigler on behalf of SRG met with Commissioner Deborah Taylor Tate and her Legal Advisor, Amy Blankenship. Steven M. Bass, President and CEO of Oregon Public Broadcasting, joined the meeting by telephone.

The parties discussed the commitment of Public Television and Public Radio to localism and accountability and their concerns that some of the rules and proposals in the above-referenced proceedings might have the unintended effect of hindering Public Media’s provision of local programming and outreach services. In addition, the parties addressed the points described in the attached document, copies of which were provided at the meeting.

Sincerely,

Malena F. Barzilai
APTS Senior Counsel

cc: Amy Blankenship (via electronic mail)

Public Television: Locally Owned, Locally Operated, and Locally Focused

“Public television stations’ most visible activity is broadcasting programs to serve the educational and cultural needs of their communities.”

- Government Accountability Office, January 2007

- As a steward of the airwaves entrusted to it by the public, Public Television supports the Commission’s efforts to examine and improve broadcast localism and accountability.
- Public Television presents a model of localism and accountability.
 - Public Television Stations are locally owned and operated — indeed, in many communities, a public station is the last locally owned outlet.
 - Even though they face production costs that are approx. 20 times greater than the cost of acquiring a nationally distributed program — \$1,785/hr to produce local programming vs. \$24 to \$119/hr to acquire national programming — Public Television Stations produce and air a vast array of local programming.
 - Public Television Stations are accountable to their local communities through a combination of community advisory boards, state and local government oversight, reliance on local viewer donations, and other community outreach.
 - In reports to the Corporation for Public Broadcasting (CPB), Public Television Stations extensively document their local programming and outreach efforts.
- At the same time, Public Television Stations face significant budget constraints, and unnecessary regulation will detract resources from local programming and outreach.
 - If subject to the Form 355 adopted in the *Enhanced Disclosure* proceeding, Public Television Stations will have to devote ten times the resources committed today to the issues/programs list; many stations would have to hire a new staff person at a cost of at least \$30,000-\$50,000.
 - The “attended operation” rule proposed in the *Localism* proceeding would be so costly that it would force many Public Television Stations to reduce operations by up to 50 hours per week to address the approx. \$600,000-\$1,500,000 in new costs.
 - A return to the pre-1987 main studio rule would penalize stations that have built satellite stations to reach underserved areas. Costs to build a new studio would be unbearable: minimum startup costs of \$1,000,000 and annual costs of at least \$300,000 in the best case scenarios, and many millions more in practice.
- In light of the uniquely local nature of Public Television, the Commission has historically exempted it from localism regulations, such as the quantitative processing guidelines that were in place until 1984. The Commission should continue this policy of restraint.